

CERTIFICATE

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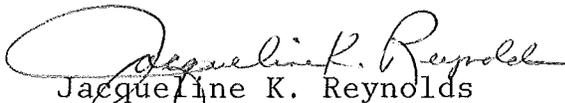
STATE OF WISCONSIN )  
 ) ss.  
PUBLIC SERVICE COMMISSION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jacqueline K. Reynolds, Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed order amending Wis. Adm. Code section PSC 115.01, 115.03, 115.04 was duly approved and adopted by this commission on April 22, 1986.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the commission at the Hill Farms State Office Building, in the City of Madison this 23rd day of April, 1986.

  
Jacqueline K. Reynolds  
Secretary of the Public Service  
Commission of Wisconsin

DATE MAILED  
APR 23 1986

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Rules Regarding the Costs of ) 1-AC-105  
Nuclear Safety Preparedness ) 85-161

ORDER OF THE  
PUBLIC SERVICE COMMISSION  
AMENDING RULES

To amend ss. PSC 115.01, 115.03 and 115.04, relating to  
Radiological Emergency Preparedness Expenses.

ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

On September 17, 1981, the Public Service Commission  
adopted rules regarding the costs of nuclear safety  
preparedness: Ch. PSC 115 -- Radiological Emergency Preparedness  
Expenses.

Ch. PSC 115 was developed to facilitate utility  
contributions to the cost of state and local governments' offsite  
radiological emergency preparedness activities.

The rules apply to the five utilities in Wisconsin with  
interests in nuclear power plants, specify the types of expenses  
to which they may contribute, and set forth the dollar amounts  
which may be spent. An appeal process is also provided to settle  
disagreements as to the reasonableness of any expense.

Ch. PSC 115 was prompted by rules promulgated by the United States Nuclear Regulatory Commission and Federal Emergency Management Agency which require state and local governments to develop plans for emergencies at nuclear power plants. Unless there is an approved plan in place, a nuclear plant may be shut down.

Sec. 166.03(2)(b)7, Stats. (created by 1985 Wis. Act 29, sec. 2022r) now authorizes the Secretary of the Department of Administration to "[a]ssess and collect and receive contributions for any costs incurred by state agencies to establish and maintain radiological emergency response plans relating to nuclear generating facilities."

At a hearing held November 27, 1985, representatives of county governments and utilities indicated that, while those portions of PSC 115 concerning state agency expenses are no longer necessary, the rules should be retained to provide for payment of local government expenses. The commission agrees.

RULES AND STATUTORY  
AUTHORITY

Pursuant to authority vested in the Public Service Commission by ch. 196 and sec. 227.014(2)(a), and by secs. 196.02(1) and 196.37, Stats., the Public Service Commission amends rules as follows:

SECTION 1: PSC 115.01 is amended to read:

PSC 115.01 Purpose of authority. The purpose of this chapter is to prescribe procedures enabling electric utilities owning, operating or dependent upon

nuclear generating facilities to contribute to the financial support of offsite radiological emergency preparedness activities of state and local governments.

SECTION 2: PSC 115.03 is amended to read:

PSC 115.03 General criteria for authorizing expenditures for offsite radiological emergency preparedness. (1) The commission shall authorize expenses incurred by the utilities identified in s. PSC 115.02(1) for the purposes set forth in s. PSC 115.01 to the extent that such expenses:

(a) are incurred by state agencies to establish and maintain radiological emergency preparedness plans and do not exceed \$350,000 in the aggregate for the year beginning July 1, 1981, and \$250,000 in the aggregate for subsequent years:

(b) (a) 1. are incurred by local governmental authorities to establish and maintain radiological emergency preparedness plans and do not exceed \$350,000 in the aggregate for the year beginning July 1, 1981, and \$250,000 in the aggregate for subsequent years.

2. Such costs shall be mutually agreed upon by the local government and the utility owning, operating or dependent upon a nuclear generating facility the Emergency Planning Zone of which is located wholly or partially within the boundaries of the local government.

(2) Authorized expenses shall be limited to incremental costs to state and local governments of radiological emergency response plan components designed to substantially comply with the minimum standards of the nuclear regulatory commission required for continued nuclear power plant operation or the licensing of a new nuclear power facility.

(3) The expenses authorized by sub- (1)(a) shall be allocated among the utilities identified in s. PSC 115.02 on a basis to be determined by the electric utilities involved. If the utilities cannot agree on allocation, they may submit the matter to the chairman of the commission for an apportionment of costs.

SECTION 3: PSC 115.04 is amended to read:

PSC 115.04 Appeals. (1) If any utility identified in s. PSC 115.02 or group of such utilities participating in the state radiological preparedness program complains to the public service commission that state or local government costs are unreasonable, the commission shall investigate the complaint. If there appears to be sufficient basis for complaint, the commission shall set the matter for public hearing upon 10 days notice to the complainant and the appropriate governmental agencies. After the hearing, if the commission determines that the costs complained of are unreasonable, the commission shall by order determine costs which may reasonably be included as necessary utility expenses for ratemaking purposes.

(2) Complaints to the commission may be based on objections to the total program budget as proposed by the department of administration or to specific expenses incurred as a result of program operation.

There will be no fiscal impact of the proposed rules on the state or municipalities, or on small business.

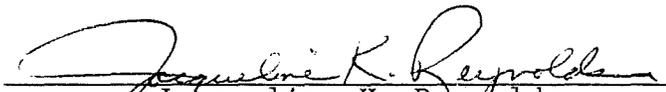
This action is classified as a type 3 action according to PSC 2.90(3), Wis. Adm. Code. No unusual circumstances have come to the attention of the commission that would require further environmental review. It consequently requires neither an environmental impact statement under s. 1.11, Stats., nor an environmental assessment.

These rules have been forwarded to the Legislature for review pursuant to s. 227.018, Stats. They will take effect as final rules on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026, Stats.

Dated at Madison, Wisconsin,

April 22, 1984

By the Commission.

  
Jacqueline K. Reynolds  
Secretary to the Commission